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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,503	09/13/2004	Rik Mullebrouck	016782-0312	6471

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FOLEY AND LARDNER LLP
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WASHINGTON, DC 20007

EXAMINER

DONDERO, WILLIAM E

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/507,503

Applicant(s)

MULLEBROUCK ET AL.

Examiner

William E. Dondero

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-5, 7-11, 13-15 is/are rejected.
- 7) ☒ Claim(s) 6 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-5, 7, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peene (GBPN 1163983) in view of Watabe (USPN 4830647).

Regarding Claims 1-2 and 13, Peene discloses a spool 6 with two or more 7, 8 steel elements (Page 1, Lines 34-39) wound in parallel in several windings upon the spool (Figure; Page 1, Lines 34-39; Page 4, Lines 13-26). Peene is silent about the distance between two neighboring elongated steel elements, as measure along a line parallel to the axis of the spool, is not more than 10 mm along 90% of the length of each elongated steel element. However, Watabe discloses a spool 9 filled with two or more elongated elements wound parallel and in several windings upon the spool wherein the distance between two neighboring elongated steel elements, as measure along a line parallel to the axis of the spool, is not more than 10 mm, smaller than 8 mm, and smaller than 5 mm (2-3 mm) along 100% of the length of each elongated element, as it there are equal amounts of each element to avoid having packages left with waste from one element being longer than the over (Figures 1 and 2; Claim 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to wind the elements not more than 10 mm spacing along 90% of the length of each element on the same

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spool as taught by Watabe to reduce the number of spools needed in a tire manufacturing plant leading to cost reductions as taught by Peene (Page 2, Lines 57-79). Regarding Claim 4, Peene discloses the steel elements are steel wires (Page 1, Lines 34-39).

Regarding Claim 5, Peene in view of Watabe is silent about the steel element being steel cord. It would have been obvious to one ordinary skill in the art at the time the invention was made to use steel cord for the steel elements of Peene in view of Watabe as they are old and well known in the art of tire reinforcing.

With respect to Claim 7, the method described in this claim would inherently result from the use of the spool of Peene in view of Watabe as advanced above.

Regarding Claims 14 and 15, Peene discloses the steel elements are wound on the spool so that the difference in tension between the steel elements is minimized and so that sagging of the steel elements is minimized when the steel elements are unwound from the spool (Page 3, Lines 38-72; Page 2, Lines 76-121).

Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peene (GBPN 1163983) in view of Watabe (USPN 4830647) as applied to claim 7 above, and further in view of Pierce (USPN 2187841). Regarding Claims 8, 10, and 11, Peene in view of Watabe is silent about a common pulley up stream with a flat groove with a width greater than the sum of the diameters of the multiple elongated elements. However, Pierce discloses a common pulley 82 guiding multiple elongated elements to a downstream spool 98 with a flat groove having a width greater than the sum of the diameters of the multiple elongated elements. It would have been obvious to one of

ordinary skill in the art at the time the invention was made to use the common pulley of Pierce in the device of Peene in view of Watabe to gradually bring the elongated elements closer together. Regarding Claim 9, Watabe discloses pulleys 4 for keeping the multiple elongated elements separated.

Allowable Subject Matter

Claims 6 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

With respect to Applicant's arguments starting on page 8, line 4 to page 8, line 11, applicant argues Watabe does not disclose a spool with steel elements. These arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

With respect to Applicant's arguments starting on page 8, line 13 to page 9, line 3, applicant argues the limitation of the distance being satisfied along 90% of the length of each element was not disclosed in Kondo. These arguments with respect to claims 1 and 3-5 have been considered but are moot in view of the new ground(s) of rejection.

With respect to Applicant's arguments starting on page 9, line 4 to page 9, line 29, applicant argues steel and electroconductive wires as disclosed in Kondo have different physical and electrical properties. These arguments with respect to claims 1 and 3-5 have been considered but are moot in view of the new ground(s) of rejection.

With respect to Applicant's arguments starting on page 10, line 1 to page 10, line 6, applicant argues Watabe does not disclose a spool with steel elements. These arguments with respect to claim 7 have been considered but are moot in view of the new ground(s) of rejection.

With respect to Applicant's arguments starting on page 10, line 7 to page 10, line 19, applicant argues glass yarn is materially different than steel. These arguments with respect to claim 7 have been considered but are moot in view of the new ground(s) of rejection.

With respect to Applicant's arguments starting on page 10, line 20 to page 10, line 25, applicant argues Pierce does not remedy the deficiencies of Watabe. These arguments with respect to claim 8-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William E. Dondero whose telephone number is 571-272-5590. The examiner can normally be reached on Monday through Friday 7:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Kathy Matecki
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